

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

DYNAMIC MACHINE WORKS, INC.,)
)
Plaintiff) Docket No. 04-10525-WGY
)
v.)
)
MACHINE & ELECTRICAL)
CONSULTANTS, INC.,)
)
Defendant)

AFFIDAVIT OF HAYDEN WELLMAN

I, Hayden Wellman, hereby depose and say as follows:

1. I am the Vice President of Absolute Machine Tools, Inc., 7420 Industrial Parkway, Lorain, Ohio 44053. I have personal knowledge of the matters contained herein.
2. Absolute Machine Tools, Inc. ("Absolute") is a leading importer and distributor of high performance CNC machining and turning equipment. Absolute is the exclusive North American importer and/or distributor for a large number of manufacturers including Johnford. In addition to the sales of machinery and related equipment, Absolute also provides service and maintenance work, and provides training to companies and individuals in all aspects of machining and turning equipment operation and maintenance including Johnford heavy duty turning centers similar to the slant bed lathe involved in this litigation.
3. As Vice President and one of two principals of Absolute, I have been involved in all aspects of Absolute's business.

4. With respect to this litigation, I have reviewed the various test reports prepared by Oxford Engineering Company, Inc. and DRW Consulting. I also have discussed the manufacturing and operation of the Johnford lathe with the manufacturer Roundtop Machinery Industries, Inc., reviewed applicable Johnford brochures and specifications, and reviewed correspondence exchanged between Dynamic Machine Works, Inc. ("Dynamic") and Machine & Electrical Consultants, Inc. ("MECI") including the purchase order, and related correspondence dated June 26, 2003, July 8, 2003 and December 9, 2003.

5. Based upon my 16 years experience in the industry selling and servicing Johnford slant bed lathes and various other manufacturer's lathes, together with the training which I have provided while at Absolute, and my review of the documentation in this case, I am of the opinion that the Johnford lathe is capable of meeting all specifications including positional accuracy at +/- .0005 inches full stroke.

6. I also am of the opinion that the Johnford lathe could have been fully commissioned to meet all specifications had MECI been allowed to continue to work on the lathe from December 9 until December 19, 2003.

Signed under the pains and penalties of perjury this 11 day of October, 2004.



The image shows a handwritten signature in black ink. The signature appears to be "Hayden Wellman" followed by "Vice President". The signature is fluid and cursive, with some loops and variations in style.